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Attorneys for Defendants DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. and DSL SERVICE COMPANY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ROSARIO R. TINA and JESUS G. TINA,

Plaintiffs,

v.

DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. and DSL SERVICE COMPANY,

Defendants.

Case No. 08 CV 1004 BTM POR

DEFENDANTS DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A.'S AND DSL SERVICE COMPANY'S OPPOSITION TO PLAINTIFF'S EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Date: June 18, 2008
Time: 4:00 p.m.
Ctrm; 15
Judge: Hon. Barry Ted Moskowitz

[Complaint Filed: June 5, 2008]

Defendants Downey Savings and Loan Association, F.A. ("Downey Savings") and DSL Service Company ("DSL") respectfully submit the following opposition to Plaintiffs Rosario R. Tina's and Jesus G. Tina's ("Plaintiffs") *ex parte* application for a temporary restraining order.

I.

INTRODUCTION

Plaintiffs seek an *ex parte* temporary restraining order to block the June 24, 2008 foreclosure sale of certain real property located at 865 Euclid Avenue, San Diego, California (the "Property"). Downey Savings is the beneficiary under the trust deed lien being foreclosed, and DSL is the trustee under the trust deed. Plaintiffs' request for injunctive relief, however, fails because neither has standing to pursue the claims alleged in their complaint and without standing neither can seek injunctive relief.

Simply put, Plaintiffs do not own the claims they allege in their complaint. On September 10, 2007 Plaintiffs filed a Chapter 7 bankruptcy petition in the United States Bankruptcy Court for the Southern District of California, case number 07-05003-PB7. As a matter of bankruptcy law, Plaintiffs' bankruptcy filing created an estate comprised of all of their assets, including all causes of action that had accrued as of the petition date. Plaintiffs' causes of action are founded on Downey Savings' alleged Truth in Lending Act ("TILA") violations regarding a 2006 loan transaction and involve allegedly deficient disclosures related to that loan transaction. Plaintiffs have alleged both that Downey Savings did not make required disclosures and that the disclosures Downey Savings made were deficient. Because Downey Savings' allegedly improper disclosures occurred in connection with the 2006 loan transaction, Plaintiffs' TILA claims accrued before Plaintiffs filed bankruptcy in 2007 and are therefore part of the bankruptcy estate, subject to the control of the bankruptcy trustee, not Plaintiffs.

It is highly likely that the bankruptcy trustee has no knowledge of this lawsuit or the TILA claims Plaintiffs have asserted in their complaint – Plaintiffs did not disclose these claims on the asset schedules they filed in their bankruptcy case nor have they presented any other evidence indicating that they have informed the bankruptcy trustee of them. For many reasons, the details of which are not necessary for this Court's ruling on Plaintiffs' request, the TILA claims alleged in Plaintiffs' complaint are utterly without merit. Downey Savings' disclosures were proper and complied with all applicable TILA requirements. As a result, defendants expect that the litigation of the merits of Plaintiffs' claims will be brief and will result in judgment in Downey Savings' favor.

Defendants recognize, however, that the bankruptcy trustee, the owner of the TILA claims, has probably not had an opportunity to evaluate them. As a result, at Downey Savings' request, DSL has voluntarily postponed the foreclosure sale of the Property to July 24, 2008. Downey Savings will promptly alert the bankruptcy trustee to the pendency of this action and will discuss the TILA claims alleged in Plaintiffs' complaint with him. Downey Savings believes that the bankruptcy trustee will conclude that these claims have no merit and will take appropriate action as a result.

For purposes of this *ex parte* application, however, the Court's path is clear. Plaintiffs do not own the TILA claims they have alleged in their complaint and they thus lack standing to seek injunctive relief. Their *ex parte* application must therefore be denied.

II.

FACTUAL BACKGROUND

Plaintiffs allege that on March 21, 2006 they entered into a consumer credit transaction with Downey Savings governed by TILA and in which Downey Savings was required to make certain disclosures. (Complaint ¶¶ 6, 11-13.) Plaintiffs further allege that Downey

Savings did not make all of the requisite disclosures and that the disclosures Downey Savings did make violated TILA. (Complaint ¶¶ 12-13.) According to Plaintiffs, Downey Savings' alleged TILA violations give Plaintiffs the right to rescind the loan transaction "for three years from the date of consummation of the loan pursuant to 15 U.S.C. (f) [sic]." (Complaint ¶ 16.)

On September 10, 2007 Plaintiffs filed a Chapter 7 bankruptcy petition in the United States Bankruptcy Court for the Southern District of California. (Declaration of J. Barrett Marum "Marum Decl.," Ex. A.) Plaintiffs did not list the TILA claims alleged in their complaint against Downey Savings in their bankruptcy schedules. (*Id.*) In fact, although Plaintiffs listed other causes of action against a variety of individuals and companies in their schedules, they did not list any claims against Downey Savings (or against DSL). (*Id.*) On December 11, 2007 the bankruptcy court discharged Plaintiffs' bankruptcy case. (*Id.*, Ex. B.)[1]

III.

THE TILA CLAIMS ALLEGED IN THE COMPLAINT ARE PROPERTY OF THE BANKRUPTCY ESTATE AND PLAINTIFFS HAVE NO STANDING TO PURSUE THEM

A. Causes of Action Not Listed on a Debtor's Bankruptcy Schedules and which the Trustee has not Specifically Abandoned Remain Property of the Debtor's Bankruptcy Estate

An individual's decision to file bankruptcy creates an estate that includes “all legal or equitable interests of the debtor in property as of the commencement of the case.” 11 U.S.C.

[1] Prior to discharge, the bankruptcy trustee abandoned the Property (thereby returning its ownership to the Plaintiffs) after the bankruptcy trustee concluded there was no equity in it. (Marum Decl., Ex. C.) The bankruptcy trustee's decision to abandon the Property, however, does not constitute a decision to abandon the TILA claims alleged in the complaint insofar as there is no indication that the trustee knew about them, let alone specifically decided to abandon them and provided the required notice to creditors that he intended to do so to effectuate an abandonment. *See* 11 U.S.C. § 554; Fed. R. Bankr. Proc. 6007(a).

§ 541(a)(1). The bankruptcy code places an affirmative duty on the debtor to schedule all assets in the bankruptcy petition. *Cusano v. Klein*, 264 F.3d 936, 945 (9th Cir. 2001). A debtor's assets include causes of action that accrued prior to the petition. *Id.* at 947. The accrual inquiry does not focus on when the debtor may have discovered the cause of action or whether the statute of limitations may be tolled, but instead on when the debtor could have brought a lawsuit. *Cusano*, 264 F.3d at 947.

"[P]roperty of the estate that is not scheduled and not otherwise administered before a case is closed is not abandoned to the debtor at the time of closing, but rather remains property of the estate-forever." *In re JZ L.L.C.*, 371 B.R. 412, 418 (B.A.P. 9th Cir. 2007). "Causes of action are separate assets which must be formally listed. Simply listing the underlying asset out of which the cause of action arises is not sufficient." *See Cusano*, 264 F.3d at 947.

The trustee can abandon an asset only after providing notice to creditors. Fed. R. Bankr. Proc. 6007(a). Until that occurs, however, the asset remains part of the bankruptcy estate, even after the court discharges the debt. *Dunmore v. United States*, 358 F.3d 1107, 1112 (9th Cir. 2004). As a result, when a debtor fails to schedule a cause of action that accrued prior to bankruptcy, the bankruptcy estate owns the cause of action and the bankruptcy trustee is the real party in interest. *Id.*

B. Plaintiffs Lack Standing to Pursue the TILA Claims Alleged in the Complaint

The TILA claims alleged in the complaint involve Downey Savings' alleged disclosure failures in connection with a 2006 loan transaction. (Complaint ¶¶ 12-13.) Since Plaintiffs could have brought those claims at any time after Downey Savings allegedly committed these disclosure failures, the TILA causes of action accrued in 2006. Plaintiffs did not list the TILA claims on their schedules, the bankruptcy trustee did not specifically abandon them and they therefore remain property of the bankruptcy estate. (Marum Decl., Ex. A); *In re JZ L.L.C.*, 371

B.R. at 418. As a result, Plaintiffs lack prudential standing to pursue the TILA claims alleged in their complaint. *Dunmore*, 358 F.3d at 1112.

Uncured, this standing defect mandates dismissal of Plaintiffs' complaint because Plaintiffs are not the real parties in interest. Fed. R. Civ. Proc. 17(a); *see also Elk Grove Unified School Dist. v. Newdow*, 542 U.S. 1, 12 (2004) ("prudential standing encompasses “the general prohibition on a litigant's raising another person's legal rights[.]") Without a complaint brought by a party with standing to assert the claims contained in it to support Plaintiffs' *ex parte* application for a temporary restraining order, Plaintiffs cannot show probable success on the merits of their claims and their application must be denied. *Aguirre v. Chula Vista Sanitary Serv. & Sani-Trainer, Inc.*, 542 F.2d 779, 781 (9th Cir. 1976); *see also Republic of Philippines v. Marcos*, 818 F.2d 1473, 1480 (9th Cir. 1987) ("The purpose of a preliminary injunction is to preserve the court's power to render meaningful relief after a trial on the merits.")

IV.

PLAINTIFFS CANNOT DEMONSTRATE IRREPARABLE HARM BECAUSE THE FORECLOSURE SALE HAS BEEN VOLUNTARILY CONTINUED BY DEFENDANTS

To obtain a temporary restraining order, a plaintiff must show that he or she will suffer irreparable harm. *Siegel v. Lepore*, 234 F.3d 1163, 1176 (11th Cir. 2000). A plaintiff's inability to show irreparable harm, standing alone, mandates denial of a request for a temporary restraining order. *Oakland Tribune, Inc. v. The Chronicle Publishing Company, Inc.*, 762 F.2d 1374, 1375 (9th Cir. 1985) (“Under any formulation of the test, [the moving party] must demonstrate that there exists a significant threat of irreparable injury. . .[b]ecause the [moving party] has not made that minimum showing we need not decide whether it is likely to succeed on the merits.”).

As discussed above, DSL, at Downey Savings' request, has continued the foreclosure sale of the Property to July 24, 2008. (Marum Decl., Ex. D.) Plaintiffs therefore cannot show irreparable harm resulting from an imminent sale of the Property and the Court should therefore deny their *ex parte* request.[2]

V.

CONCLUSION

DSL, at Downey Savings' request, has continued the foreclosure sale of the Property to July 24, 2008 to afford the bankruptcy trustee an opportunity to evaluate the TILA claims alleged in Plaintiffs' complaint and to decide how he wants to proceed. As the person charged with administering the Plaintiffs' bankruptcy estate, the bankruptcy trustee is the only person that may pursue the TILA claims alleged in Plaintiffs' complaint. Until the bankruptcy trustee takes action, Plaintiffs lack standing to pursue those claims and the complaint is subject to dismissal. For these reasons, Downey Savings and DSL respectfully request that the Court deny Plaintiffs' *ex parte* application for a temporary restraining order.

Dated: June 16, 2008

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By s/J. Barrett Marum

Attorneys for Defendants DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. and DSL SERVICE COMPANY
Email: bmarum@sheppardmullin.com

[2] Plaintiffs' application is also moot insofar as Defendants have continued the foreclosure date by thirty days, an amount of time exceeding the duration of any temporary restraining order the Court could enter. *See* Fed. R. Civ. Proc. 65(b)(2).

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Attorneys for Defendants DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. and DSL SERVICE COMPANY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ROSARIO R. TINA and JESUS G. TINA, Plaintiffs, v. DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. and DSL SERVICE COMPANY, Defendants.	Case No. 08 CV 1004 BTM POR **DECLARATION OF J. BARRETT MARUM IN SUPPORT OF DEFENDANTS DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A.'S AND DSL SERVICE COMPANY'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER** Date: June 18, 2008 Time: 4:00 p.m. Ctrm; 15 Judge: Hon. Barry Ted Moskowitz [Complaint Filed: June 5, 2008]

I, J. Barrett Marum, declare as follows:

1. I am an attorney admitted to practice in California and before this Court. I am an associate at Sheppard, Mullin, Richter & Hampton, LLP ("Sheppard Mullin"), counsel of record for Defendants Downey Savings And Loan Association, F.A ("Downey Savings") and DSL Service Company ("DSL"). I have personal knowledge of the facts set forth herein, and, if asked to do so, I could and would testify competently under oath to the truth of such facts.

2. On June 13, 2008 I performed a search on the United States Bankruptcy Court for the Southern District of California's PACER system to determine if Plaintiffs Rosario Tina and Jesus Tina ("Plaintiffs") had ever filed a bankruptcy petition in the Southern District of California. My search uncovered a Chapter 7 bankruptcy case filed on September 10, 2007 listing both Plaintiffs as co-debtors (case number 07-05003-PB7). I reviewed the docket and printed the following documents from it, which are attached as Exhibits A, B and C, respectively:

a. September 10, 2007 Voluntary Petition;

b. December 11, 2007 Discharge of Debtor; and

c. October 24, 2007 Trustee's Notice of Proposed Abandonment of Property.

3. Attached as Exhibit D is a true and correct copy of the June 13, 2008 Postponement Notification whereby DSL, at Downey Savings' request, postponed the foreclosure sale of 865 Euclid Avenue, San Diego, California to July 24, 2008.

I declare under penalty of perjury under the laws of the State of California that the facts stated in this declaration are true and correct. Executed on June 16, 2008, at San Diego, California.

s/J. Barrett Marum

EXHIBIT A

9/10/07 4:47PM

Official Form 1 (4/07)

United States Bankruptcy Court
Southern District of California

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Tina, Rosario Rivero	Name of Joint Debtor (Spouse) (Last, First, Middle): Tina, Jesus G.
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec./Complete EIN or other Tax ID No. (if more than one, state all) xxx-xx-6425	Last four digits of Soc. Sec./Complete EIN or other Tax ID No. (if more than one, state all) xxx-xx-6848
Street Address of Debtor (No. and Street, City, and State): 1220 Manchester St. National City, CA ZIP Code 91950	Street Address of Joint Debtor (No. and Street, City, and State): 1220 Manchester St. National City, CA ZIP Code 91950
County of Residence or of the Principal Place of Business: San Diego	County of Residence or of the Principal Place of Business: San Diego
Mailing Address of Debtor (if different from street address): ZIP Code	Mailing Address of Joint Debtor (if different from street address): ZIP Code

Location of Principal Assets of Business Debtor (if different from street address above):

Type of Debtor (Form of Organization) (Check one box)

- ■ Individual (includes Joint Debtors) *See Exhibit D on page 2 of this form.*
- ☐ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business (Check one box)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ■ Other

Tax-Exempt Entity (Check box, if applicable)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ■ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Nature of Debts (Check one box)

- ☐ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ■ Debts are primarily business debts.

Filing Fee (Check one box)

- ■ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Chapter 11 Debtors

Check one box:
- ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:
- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than $2,190,000.

Check all applicable boxes:
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information *** Michael T. O'Halloran CLS-B #99085 ***

THIS SPACE IS FOR COURT USE ONLY

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ■ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

1-49	50-99	100-199	200-999	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000
■	☐	☐	☐	☐	☐	☐	☐	☐	☐

Estimated Assets

$0 to $10,000	$10,001 to $100,000	$100,001 to $1 million	$1,000,001 to $100 million	More than $100 million
☐	☐	☐	■	☐

Estimated Liabilities

$0 to $50,000	$50,001 to $100,000	$100,001 to $1 million	$1,000,001 to $100 million	More than $100 million
☐	☐	☐	■	☐

3

9/10/07 4:47PM

Official Form 1 (4/07) FORM B1, Page 2

Voluntary Petition *(This page must be completed and filed in every case)*	Name of Debtor(s): Tina, Rosario Rivero Tina, Jesus G.	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)		
Location Where Filed: - None -	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)		
Name of Debtor: - None -	Case Number:	Date Filed:
District:	Relationship:	Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X ______________________________

Signature of Attorney for Debtor(s) (Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

■ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

■ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

■ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

■ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Statement by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

____

(Name of landlord that obtained judgment)

____

(Address of landlord)

☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

9/10/07 4:47PM

Official Form 1 (4/07) FORM B1, Page 3

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):
Tina, Rosario Rivero
Tina, Jesus G.

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Rosario Rivero Tina
Signature of Debtor Rosario Rivero Tina

X /s/ Jesus G. Tina
Signature of Joint Debtor Jesus G. Tina

Telephone Number (If not represented by attorney)

September 10, 2007
Date

Signature of Attorney

X /s/ Michael T. O'Halloran CLS-B
Signature of Attorney for Debtor(s)

Michael T. O'Halloran CLS-B #99085
Printed Name of Attorney for Debtor(s)

Law Office of Michael T. O'Halloran
Firm Name
1010 Second Avenue, Suite 1727
San Diego, CA 92101-4908

Address

Email: MTO@Debtsd.com
619-233-1727 Fax: 619-233-6526
Telephone Number

September 10, 2007
Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

X

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person,or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

9/10/07 4:48PM

Official Form 1, Exhibit D (10/06)

United States Bankruptcy Court
Southern District of California

In re	Rosario Rivero Tina Jesus G. Tina	Case No.	
	Debtor(s)	Chapter	7

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

■ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☐ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.]* ____

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

9/10/07 4:48PM

Official Form 1, Exh. D (10/06) - Cont.

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Rosario Rivero Tina
Rosario Rivero Tina

Date: September 10, 2007

9/10/07 4:48PM

Official Form 1, Exhibit D (10/06)

United States Bankruptcy Court
Southern District of California

In re Rosario Rivero Tina
Jesus G. Tina
Debtor(s)

Case No. ____
Chapter 7

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

■ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☐ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.]* ____

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

9/10/07 4:48PM

Official Form 1, Exh. D (10/06) - Cont.

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Jesus G. Tina
Jesus G. Tina

Date: September 10, 2007

9/10/07 4:47PM

Form 6-Summary (10/06)

United States Bankruptcy Court
Southern District of California

In re Rosario Rivero Tina,
Jesus G. Tina

Debtors

Case No. ______

Chapter 7

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	2,080,000.00		
B - Personal Property	Yes	4	56,100.00		
C - Property Claimed as Exempt	Yes	2			
D - Creditors Holding Secured Claims	Yes	2		1,921,080.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	10		261,508.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	2			13,436.00
J - Current Expenditures of Individual Debtor(s)	Yes	2			16,144.00
Total Number of Sheets of ALL Schedules		26			
		Total Assets	2,136,100.00		
			Total Liabilities	2,182,588.00	

9/10/07 4:47PM

Official Form 6 - Statistical Summary (10/06)

United States Bankruptcy Court
Southern District of California

In re Rosario Rivero Tina, Jesus G. Tina, Debtors

Case No. ______

Chapter 7

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C.§ 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

■ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E) (whether disputed or undisputed)	
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E)	
Student Loan Obligations (from Schedule F)	
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	
TOTAL	

State the following:

Average Income (from Schedule I, Line 16)	
Average Expenses (from Schedule J, Line 18)	
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column		
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		
4. Total from Schedule F		
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		

//

9/10/07 4:47PM

Form B6A
(10/05)

In re Rosario Rivero Tina,
Jesus G. Tina
Debtors

Case No. ______________________

SCHEDULE A. REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Residence at 1220 Manchester St., National City, CA 91950	Joint tenant	-	500,000.00	444,645.00
House located at 863 Glencoe Dr. San Diego, CA 92114.	Community Property	-	475,000.00	426,876.00
Two unit residential building at 865 Euclid Ave., San Diego, CA 92114	Community Property	-	465,000.00	441,127.00
Three unit apartment building at 1720 E. 4th St, National City, CA 91950	Community Property	-	625,000.00	570,762.00
Two and a half acres of bare land near Newberry Spring, CA.	Community Property	C	15,000.00	0.00

Sub-Total > 2,080,000.00 (Total of this page)

Total > 2,080,000.00

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

9/10/07 4:47PM

Form B6B
(10/05)

In re Rosario Rivero Tina,
Jesus G. Tina

Debtors

Case No. ______________

SCHEDULE B. PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."
In providing the information requested in this schedule, do not include the name or address of a minor child. Simply state "a minor child."

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand		Cash	C	100.00
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Bank account holding disability benefits paid to Mr. Tina.	C	2,300.00
		Bank accounts	C	12,000.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Used household goods and furnishings	C	2,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		Used clothing	C	800.00
7. Furs and jewelry.		Jewelry	C	500.00
8. Firearms and sports, photographic, and other hobby equipment.		Handgun and rifle	C	300.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			

Sub-Total > 18,000.00
(Total of this page)

3 continuation sheets attached to the Schedule of Personal Property

9/10/07 4:47PM

Form B6B
(10/05)

In re Rosario Rivero Tina,
Jesus G. Tina
Debtors

Case No. ______________

SCHEDULE B. PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c); Rule 1007(b)).	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		Mr. Tina has a Navy pension and VA disability benefits. It pays $1,300 per month	C	Unknown
		Mr. Tina has a federal pension. Pays $1,200 per month.	C	Unknown
		Ms. Tina has a pension from Navy Exchange. It pays $600 per month.	C	Unknown
13. Stock and interests in incorporated and unincorporated businesses. Itemize.		100% owners of JR Manchester LLC. This LLC has no assets today.	C	0.00
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owing debtor including tax refunds. Give particulars.		2006 tax refund expected	C	3,000.00
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			

Sub-Total > 3,000.00
(Total of this page)

Sheet 1 of 3 continuation sheets attached to the Schedule of Personal Property

9/10/07 4:47PM

Form B6B
(10/05)

In re Rosario Rivero Tina,
Jesus G. Tina

Case No. ______________________

Debtors

SCHEDULE B. PERSONAL PROPERTY

(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.		Claims against Johnny Guevara for money borrowed. Face amount $6,000.	C	Unknown
		Claims against Jay Cleveland for fraudulent inducement to enter business with him. He filed Chapter 7 bankruptcy.	C	Unknown
		Claims for fraud against Night Express for Ponzi investment scheme. $60,000 lost.	C	Unknown
		Claims for fraudulent investment advice concerning 1031 exchange. An investment in excess of $200,000 was lost.	C	Unknown
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		1993 Jaguar XJ6 43,000 miles	-	5,500.00
		2005 Yukon Denali w/45,000 mi.	C	27,000.00
		1996 Toyota Tacoma w/167,000 miles	C	2,500.00
		2002 Chevrolet Silverado 1500. Condition unknown. Vehicle is in possession of a third party who has refused to turnover to debtors. Location of vehicle is uncertain.	C	Unknown
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			

Sub-Total > 35,000.00
(Total of this page)

Sheet 2 of 3 continuation sheets attached
to the Schedule of Personal Property

9/10/07 4:47PM

Form B6B
(10/05)

In re Rosario Rivero Tina,
Jesus G. Tina ,
Debtors

Case No. ______________

SCHEDULE B. PERSONAL PROPERTY

(Continuation Sheet)

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
29. Machinery, fixtures, equipment, and supplies used in business.		2 sewing machines	C	100.00
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.		Rental agreements with tenants	C	Unknown
		Contracts for independent living home with the tenants there: lodging, food and utilities are provided.	C	Unknown

Sub-Total > 100.00
(Total of this page)
Total > 56,100.00

Sheet 3 of 3 continuation sheets attached to the Schedule of Personal Property

(Report also on Summary of Schedules)

9/10/07 4:47PM

Form B6C
(4/07)

In re Rosario Rivero Tina,
Jesus G. Tina

Debtors

Case No. ______________

SCHEDULE C. PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:
(Check one box)
☐ 11 U.S.C. §522(b)(2)
■ 11 U.S.C. §522(b)(3)

■ Check if debtor claims a homestead exemption that exceeds $136,875.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Real Property			
Residence at 1220 Manchester St., National City, CA 91950	C.C.P. § 704.730 - 704.995 Ms. Tina is over 65 years of age and entitled to the maximum homestead	150,000.00	500,000.00
Cash on Hand			
Cash	C.C.P. § 703.140(b)(5)	100.00	100.00
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
Bank account holding disability benefits paid to Mr. Tina.	C.C.P. § 704.130	2,300.00	2,300.00
Bank accounts	C.C.P. § 703.140(b)(5)	12,000.00	12,000.00
Household Goods and Furnishings			
Used household goods and furnishings	C.C.P. § 703.140(b)(3)	2,000.00	2,000.00
Wearing Apparel			
Used clothing	C.C.P. § 703.140(b)(3)	800.00	800.00
Furs and Jewelry			
Jewelry	C.C.P. § 703.140(b)(4)	500.00	500.00
Firearms and Sports, Photographic and Other Hobby Equipment			
Handgun and rifle	C.C.P. § 703.140(b)(5)	300.00	300.00
Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans			
Mr. Tina has a Navy pension and VA disability benefits. It pays $1,300 per month	C.C.P. § 704.110	0.00	Unknown
Mr. Tina has a federal pension. Pays $1,200 per month.	C.C.P. § 704.110	0.00	Unknown
Ms. Tina has a pension from Navy Exchange. It pays $600 per month.	C.C.P. § 704.115(a)(1) & (2), (b)	0.00	Unknown
Other Liquidated Debts Owing Debtor Including Tax Refund			
2006 tax refund expected	C.C.P. § 703.140(b)(5)	3,000.00	3,000.00
Automobiles, Trucks, Trailers, and Other Vehicles			
1993 Jaguar XJ6 43,000 miles	C.C.P. § 703.140(b)(2) C.C.P. § 703.140(b)(5)	3,300.00 2,200.00	5,500.00
1996 Toyota Tacoma w/167,000 miles	C.C.P. § 703.140(b)(5)	2,500.00	2,500.00
2002 Chevrolet Silverado 1500. Condition unknown. Vehicle is in possession of a third party who has refused to turnover to debtors. Location of vehicle is uncertain.	C.C.P. § 703.140(b)(5)	1,725.00	Unknown

1 continuation sheets attached to Schedule of Property Claimed as Exempt

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9/10/07 4:47PM

Form B6C
(4/07)

In re Rosario Rivero Tina,
Jesus G. Tina
, Debtors

Case No. ______________________

SCHEDULE C. PROPERTY CLAIMED AS EXEMPT

(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Machinery, Fixtures, Equipment and Supplies Used in Business			
2 sewing machines	C.C.P. § 703.140(b)(6)	100.00	100.00
	Total:	180,825.00	529,100.00

Sheet 1 of 1 continuation sheets attached to the Schedule of Property Claimed as Exempt

9/10/07 4:47PM

Official Form 6D (10/06)

In re Rosario Rivero Tina,
Jesus G. Tina
, Debtors

Case No. ____________

SCHEDULE D. CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor" ,include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxxxxxxx8123 Creditor #: 1 Americas Servicing Co 7485 New Horizon Way Frederick, MD 21703		W	2005 Deed of Trust House located at 863 Glencoe Dr. San Diego, CA 92114. Value $ 475,000.00				84,931.00	0.00
Account No. xxxxxxxxxx3102 Creditor #: 2 Chase 900 Stewart Ave Garden City, NY 11530		W	2005 Vehicle lien 2005 Yukon Denali w/45,000 mi. Value $ 27,000.00				37,670.00	10,670.00
Account No. xxxxx7931 Creditor #: 3 Countrywide Home Loans 450 American St Simi Valley, CA 93065		W	2006 Deed of Trust Three unit apartment building at 1720 E. 4th St, National City, CA 91950 Value $ 625,000.00				501,488.00	0.00
Account No. xxxx4565 Creditor #: 4 Countrywide Home Loans 450 American St Simi Valley, CA 93065		W	2005 Deed of Trust House located at 863 Glencoe Dr. San Diego, CA 92114. Value $ 475,000.00				341,945.00	0.00
1 continuation sheets attached			Subtotal (Total of this page)				966,034.00	10,670.00

9/10/07 4:47PM

Official Form 6D (10/06) - Cont.

In re Rosario Rivero Tina,
Jesus G. Tina
Debtors

Case No. ______

SCHEDULE D. CREDITORS HOLDING SECURED CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxxx7968 Creditor #: 5 Countrywide Home Loans 450 American St Simi Valley, CA 93065		W	2006 Deed of Trust Three unit apartment building at 1720 E. 4th St, National City, CA 91950 Value $ 625,000.00				69,274.00	0.00
Account No. xxxxxx1137 Creditor #: 6 Downey Savings & Loan 3501 Jamboree Rd Ste 410 Newport Beach, CA 92660		W	2006 Deed of Trust Two unit residential building at 865 Euclid Ave., San Diego, CA 92114 Value $ 465,000.00				441,127.00	0.00
Account No. xxxxxxxxx8094 Creditor #: 7 World Savings & Loan 4101 Wiseman Blvd # Mc-T San Antonio, TX 78251		W	2006 Deed of Trust Residence at 1220 Manchester St., National City, CA 91950 Value $ 500,000.00				444,645.00	0.00
Account No.			Value $					
Account No.			Value $					
Sheet 1 of 1 continuation sheets attached to Schedule of Creditors Holding Secured Claims			Subtotal (Total of this page)				955,046.00	0.00
			Total (Report on Summary of Schedules)				1,921,080.00	10,670.00

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9/10/07 4:47PM

Official Form 6E (4/07)

In re Rosario Rivero Tina,
Jesus G. Tina
Debtors

Case No. ______________

SCHEDULE E. CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts who file a case under chapter 7 or 13 report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts who file a case under chapter 7 report this total also on the Statistical Summary of Certain Liabilities and Related Data.

■ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Domestic support obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trust or the order for relief. 11 U.S.C. § 507(a)(3).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to $10,950* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to $5,400* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ **Deposits by individuals**

Claims of individuals up to $2,425* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered provided. 11 U.S.C. § 507(a)(7).

☐ **Taxes and certain other debts owed to governmental units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to maintain the capital of an insured depository institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507 (a)(9).

☐ **Claims for death or personal injury while debtor was intoxicated**

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

* Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

0 continuation sheets attached

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9/10/07 4:47PM

Official Form 6F (10/06)

In re Rosario Rivero Tina, Jesus G. Tina, Debtors

Case No. ______________

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112. If "a minor child" is stated, also include the name, address, and legal relationship to the minor child of a person described in Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts filing a case under chapter 7, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. xxxxxxxxxxxxxx7821 Creditor #: 1 Amex P.O. Box 297871 Fort Lauderdale, FL 33329		-	2003 Listed on credit report: creditor unknown				Unknown
Account No. 0757 Creditor #: 2 AT&T Payment Center Sacramento, CA 95887		C	2006 Utility services				473.00
Account No. xxxxxxxxxx1805 Creditor #: 3 Bank Of America 201 N. Tryon St. Charlotte, NC 28255		-	2004 Automobile loan deficiency				20,647.00
Account No. 0651 Creditor #: 4 Bank Of America P.O. Box 1598 Norfolk, VA 23501		-	2007 CreditCard				590.00

9 continuation sheets attached

Subtotal (Total of this page) 21,710.00

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9/10/07 4:47PM

Official Form 6F (10/06) - Cont.

In re Rosario Rivero Tina,
Jesus G. Tina
, Debtors

Case No. ______

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. xxxxxxxx3000 Creditor #: 5 Chase 800 Brooksedge Blvd. Westerville, OH 43081		-	2003-07 CreditCard				10,660.00
Account No. Creditor #: 6 Chicago Title 701 B Street #1700 San Diego, CA 92101		C	Jay Cleveland debt			X	Unknown
Account No. 8647 Creditor #: 7 Cingular Wireless P.O. Box 60017 Los Angeles, CA 90060-0017		C	Utility services				263.00
Account No. Representing: Cingular Wireless			AT&T Wireless P.O. Box 68056 Anaheim Hills, CA 92817				
Account No. Representing: Cingular Wireless			Bureau of Collection Recovery 7575 Corporate Way Eden Prairie, MN 55344				

Sheet no. 1 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) 10,923.00

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9/10/07 4:47PM

Official Form 6F (10/06) - Cont

In re Rosario Rivero Tina,
Jesus G. Tina
Debtors

Case No. ______

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. xxx0482 Creditor #: 8 City Of San Diego 1010 2nd Ave Ste 666 San Diego, CA 92101		C	2005 GovernmentMiscellaneousDebt				Unknown
Account No. Creditor #: 9 Jay and Josephine Cleveland 908 Paradise Knoll Ct. National City, CA 91950		C	Listed for notice			X	Unknown
Account No. Representing: Jay and Josephine Cleveland			Richard Kipperman, trustee P.O. Box 3939 La Mesa, CA 91944				
Account No. Creditor #: 10 College\La Mesa Smog 7643 University Ave. #G La Mesa, CA 91941		C	2007 Lease				Unknown
Account No. xxxx0741 Creditor #: 11 Countrywide Home Loans 450 American St Simi Valley, CA 93065		W	2005 Loan				Unknown

Sheet no. 2 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) 0.00

9/10/07 4:47PM

Official Form 6F (10/06) - Cont.

In re Rosario Rivero Tina,
Jesus G. Tina
Debtors

Case No. ______________________

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. xxxxx2555 Creditor #: 12 Credit First N A 6275 Eastland Rd Brook Park, OH 44142		W	2006 ChargeAccount				Unknown
Account No. xxxxxxxx2820 Creditor #: 13 Discover Fin Svcs Llc Po Box 15316 Wilmington, DE 19850		-	2003-07 CreditCard				8,758.00
Account No. xxxx1057 Creditor #: 14 Ford Credit Po Box Box 542000 Omaha, NE 68154		-	2004 Automobile: loan incurred in part of fraud scheme			X	40,747.00
Account No. xxxxxxxx4134 Creditor #: 15 G M A C Po Box 12699 Glendale, AZ 85318		-	Automobile. Listed for notice				Unknown
Account No. xxxxxxxx0802 Creditor #: 16 Gemb/Jewelry Accents G Po Box 981439 El Paso, TX 79998		-	ChargeAccount				Unknown

Sheet no. 3 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) 49,505.00

9/10/07 4:47PM

Official Form 6F (10/06) - Cont

In re Rosario Rivero Tina,
Jesus G. Tina

Debtors

Case No. ______________________

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. xxxxxxxx2400 Creditor #: 17 Gemb/Project Line P.O. Box 981439 El Paso, TX 79998		-	ChargeAccount				Unknown
Account No. Creditor #: 18 Guevara Phippard and James 1420 Kettner Bl. #600 San Diego, CA 92101		C	2005-7 Legal fees				40,000.00
Account No. Creditor #: 19 Gulf Insurance c/o Hausman and Sosa 18757 Burbank Bl. Tarzana, CA 91356		C	Jay Cleveland debt			X	Unknown
Account No. Creditor #: 20 Heartland America c/o Goggins & Lavintman 1295 Northland Dr., #270 Saint Paul, MN 55120		C	2007 Services				123.00
Account No. xxxxxx6086 Creditor #: 21 Hsbc Nv P.O.Box 19360 Salinas, CA 93901		C	2002-07 CreditCard				8,176.00

Sheet no. 4 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) 48,299.00

9/10/07 4:47PM

Official Form 6F (10/06) - Cont

In re Rosario Rivero Tina,
Jesus G. Tina
Debtors

Case No. ________________

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. xxxxxxx9447 Creditor #: 22 Hsbc/Rs 90 Christiana Rd New Castle, DE 19720		-	ChargeAccount				Unknown
Account No. xxx7385 Creditor #: 23 Ladco Leasing 555 St Charles Place Thousand Oaks, CA 91360		-	2007 Lease				1,156.00
Account No. xxxxxx6515 Creditor #: 24 Mercedes-Benz Financial 27777 Inkster Rd Farmington Hills, MI 48334		-	2005 Leased car. Diaz Development debt. Guarantee			X	14,568.00
Account No. Creditor #: 25 Mesa Leasing c/o Ellen Stern 17630 El Mineral Rd. Perris, CA 92570		C	2005 Judgment			X	5,000.00
Account No. Representing: Mesa Leasing			Mesa Leasing 4180 Ruffin Rd., #205 San Diego, CA 92123				

Sheet no. 5 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) 20,724.00

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9/10/07 4:47PM

Official Form 6F (10/06) - Cont.

In re Rosario Rivero Tina,
Jesus G. Tina
Debtors

Case No. ______________________

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. Creditor #: 26 Mid Century Insurance c/o Credit Collection Two Wells Ave. Dept. 9134 Newton Center, MA 02459		C	Insurance				112.00
Account No. xxxxxxxxxxxx4931 Creditor #: 27 Military Star 3911 S Walton Walker Blv Dallas, TX 75236		H	2007 ChargeAccount				531.00
Account No. xxxxxxxxxxxx0342 Creditor #: 28 Military Star 3911 S. Walton Walker Blv Dallas, TX 75236		W	2005-07 ChargeAccount				947.00
Account No. xxx2058 Creditor #: 29 Money Control P O Box 49990 Riverside, CA 92514		-	2001 Collection Pacific Bell				327.00
Account No. Representing: Money Control			Pacific Bell Wireless P.O. Box 989046 West Sacramento, CA 95798				

Sheet no. 6 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) 1,917.00

9/10/07 4:47PM

Official Form 6F (10/06) - Cont.

In re Rosario Rivero Tina, Jesus G. Tina, Debtors

Case No. ______________

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. Creditor #: 30 RDO Financial 20 Iowa Ave. Riverside, CA 92502		C	2005 Settlement agreement				20,000.00
Account No. Representing: RDO Financial			Ira Carlin Esq. 235 E. Fourth Ave. Escondido, CA 92025				
Account No. Creditor #: 31 Eugenio Salvanera DDS 1035 S. Harbison Ave. #A National City, CA 91950		C	2005 Medical bills				1,400.00
Account No. Creditor #: 32 June Soto J&B Surveying 12600 Stowe Dr., Ste. 1 Poway, CA 92064		C	2005 Diaz Development fees: architect			X	60,000.00
Account No. Creditor #: 33 Southern Cal Soil and Testing c/o D. Billings 6280 Riverdale St. San Diego, CA 92120		C	Jay Cleveland creditor			X	Unknown

Sheet no. 7 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) 81,400.00

9/10/07 4:47PM

Official Form 6F (10/06) - Cont

In re Rosario Rivero Tina,
Jesus G. Tina
, Debtors

Case No. ______________

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. 5420 Creditor #: 34 Sprint 2330 Shawnee Mission Pkwy. Shawnee Mission, KS 66205		C	2006 Utility service: unknown cell phone				848.00
Account No. Representing: Sprint			Diversified Consultants P.O. Box 551268 Jacksonville, FL 32255				
Account No. Representing: Sprint			Nextel Communications 3610 S. Highland Las Vegas, NV 89103				
Account No. xxxxxxxxxxxx3651 Creditor #: 35 Thd/Cbsd P.O. Box 6003 Hagerstown, MD 21747		-	2003-07 ChargeAccount				6,153.00
Account No. Representing: Thd/Cbsd			Home Depot Credit Svc. P.O. Box 630308 Irving, TX 75063				

Sheet no. 8 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) 7,001.00

9/10/07 4:47PM

Official Form 6F (10/06) - Cont.

In re Rosario Rivero Tina,
Jesus G. Tina

Case No. ______________________

Debtors

SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	Husband, Wife, Joint, or Community (H W J C)	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. xxxxx4695 Creditor #: 36 Us Bank P.O. Box 790084 Saint Louis, MO 63179		-	2004 Loan.				20,029.00
Account No. Creditor #: 37 West Coast Drywall c/o Lee Morrison 530 B Street #1450 San Diego, CA 92101		C	Jay Cleveland debt			X	Unknown
Account No. Creditor #: 38 James Williams c/o Daniel Yauger 3170 Fourth Ave. 3rd Fl San Diego, CA 92103		C	Jay Cleveland debt			X	Unknown
Account No.							
Account No.							

Sheet no. 9 of 9 sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page)	20,029.00
Total (Report on Summary of Schedules)	261,508.00

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9/10/07 4:47PM

Form B6G
(10/05)

In re Rosario Rivero Tina,
Jesus G. Tina

Debtors

Case No. ______________________

SCHEDULE G. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112; Fed.R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract.
Mr. Jones 865 Euclid Ave. San Diego, CA	Apartment rental. $1150 per mo. is rent. Debtors are landlords
Mr. Stroud 1720 E. 4th National City, CA	Tenant rents all three units in the 4th Street property. Rent is $4,000 for the three units. Debtors are landlords.
Tenants 863 Glencoe San Diego, CA 92114	Individuals with independent living contracts have contracted with Ms. Tina. Appx. $2600 total received monthly.

0 continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases

9/10/07 4:47PM

Form B6H
(10/05)

In re Rosario Rivero Tina,
Jesus G. Tina
, Debtors

Case No. ______________________

SCHEDULE H. CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112; Fed. Bankr. P. 1007(m).

■ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR

0 continuation sheets attached to Schedule of Codebtors

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9/10/07 4:48PM

Official Form 6I (10/06)

In re Rosario Rivero Tina
Jesus G. Tina
Debtor(s)

Case No. ____________

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S):	AGE(S):
Married	Great-granddaughter	11
	Granddaughter	21
	Great-granddaughter	5
	Son	51
	Sister in law	53

Employment:	DEBTOR	SPOUSE
Occupation		
Name of Employer	Retired	Retired
How long employed		
Address of Employer		

INCOME: (Estimate of average or projected monthly income at time case filed)	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	$ 0.00	$ 0.00
2. Estimate monthly overtime	$ 0.00	$ 0.00
3. SUBTOTAL	$ 0.00	$ 0.00
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$ 0.00	$ 0.00
b. Insurance	$ 0.00	$ 0.00
c. Union dues	$ 0.00	$ 0.00
d. Other (Specify): ______	$ 0.00	$ 0.00
______	$ 0.00	$ 0.00
5. SUBTOTAL OF PAYROLL DEDUCTIONS	$ 0.00	$ 0.00
6. TOTAL NET MONTHLY TAKE HOME PAY	$ 0.00	$ 0.00
7. Regular income from operation of business or profession or farm (Attach detailed statement)	$ 0.00	$ 0.00
8. Income from real property	$ 0.00	$ 0.00
9. Interest and dividends	$ 0.00	$ 0.00
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	$ 0.00	$ 0.00
11. Social security or government assistance (Specify): Social security	$ 780.00	$ 821.00
VA Disability benefit	$ 0.00	$ 556.00
12. Pension or retirement income	$ 613.00	$ 2,029.00
13. Other monthly income (Specify): See Detailed Income Attachment	$ 8,637.00	$ 0.00
14. SUBTOTAL OF LINES 7 THROUGH 13	$ 10,030.00	$ 3,406.00
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	$ 10,030.00	$ 3,406.00
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15; if there is only one debtor repeat total reported on line 15)	$ 13,436.00	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

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9/10/07 4:48PM

Official Form 6I (10/06)

In re Rosario Rivero Tina
Jesus G. Tina

Debtor(s)

Case No. ______

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

Detailed Income Attachment

Other Monthly Income:

State aid for foster parent	$ 887.00	$ 0.00
Rent from 4th Street apts	$ 4,000.00	$ 0.00
Independent living income	$ 2,600.00	$ 0.00
865 Euclid income	$ 1,150.00	$ 0.00
Total Other Monthly Income	$ 8,637.00	$ 0.00

9/10/07 4:48PM

Official Form 6J (10/06)

In re Rosario Rivero Tina
Jesus G. Tina
Debtor(s)

Case No. ________

SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	$ 1,900.00
a. Are real estate taxes included? Yes X No ___	
b. Is property insurance included? Yes X No ___	
2. Utilities: a. Electricity and heating fuel	$ 200.00
b. Water and sewer	$ 180.00
c. Telephone	$ 0.00
d. Other See Detailed Expense Attachment	$ 410.00
3. Home maintenance (repairs and upkeep)	$ 150.00
4. Food	$ 2,000.00
5. Clothing	$ 250.00
6. Laundry and dry cleaning	$ 60.00
7. Medical and dental expenses	$ 200.00
8. Transportation (not including car payments)	$ 350.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	$ 200.00
10. Charitable contributions	$ 90.00
11. Insurance (not deducted from wages or included in home mortgage payments)	
a. Homeowner's or renter's	$ 0.00
b. Life	$ 0.00
c. Health	$ 0.00
d. Auto	$ 363.00
e. Other ________	$ 0.00
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) ________	$ 0.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)	
a. Auto	$ 842.00
b. Other ________	$ 0.00
c. Other ________	$ 0.00
d. Other ________	$ 0.00
14. Alimony, maintenance, and support paid to others	$ 0.00
15. Payments for support of additional dependents not living at your home	$ 0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	$ 0.00
17. Other See Detailed Expense Attachment	$ 8,949.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	$ 16,144.00

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

____

20. STATEMENT OF MONTHLY NET INCOME	
a. Average monthly income from Line 15 of Schedule I	$ 13,436.00
b. Average monthly expenses from Line 18 above	$ 16,144.00
c. Monthly net income (a. minus b.)	$ -2,708.00

9/10/07 4:48PM

Official Form 6J (10/06)

In re Rosario Rivero Tina
Jesus G. Tina

Debtor(s)

Case No. ______

SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Detailed Expense Attachment

Other Utility Expenditures:

Cable/Internet/phone	$	200.00
Cell phone	$	150.00
Trash	$	60.00
Total Other Utility Expenditures	$	410.00

Other Expenditures:

4th Street mortgage payments	$	3,306.00
863 Glencoe mortgage payments	$	3,643.00
865 Euclid mortgage payment	$	2,000.00
Total Other Expenditures	$	8,949.00

9/10/07 4:48PM

Official Form 6-Declaration. (10/06)

United States Bankruptcy Court
Southern District of California

In re Rosario Rivero Tina
Jesus G. Tina
Debtor(s)

Case No. ____
Chapter 7

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 28 sheets *[total shown on summary page plus 2]*, and that they are true and correct to the best of my knowledge, information, and belief.

Date September 10, 2007 Signature /s/ Rosario Rivero Tina
Rosario Rivero Tina
Debtor

Date September 10, 2007 Signature /s/ Jesus G. Tina
Jesus G. Tina
Joint Debtor

Penalty for making a false statement or concealing property: Fine of up to $500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

9/10/07 4:48PM

Official Form 7
(04/07)

United States Bankruptcy Court
Southern District of California

In re Rosario Rivero Tina
Jesus G. Tina
Debtor(s)

Case No.
Chapter 7

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. Do not include the name or address of a minor child in this statement. Indicate payments, transfers and the like to minor children by stating "a minor child." See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

DEFINITIONS

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

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1. Income from employment or operation of business

None ☐

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
$12,181.00	2006: Ms. Tina.
$9,688.00	2005: Ms. Tina.

2. Income other than from employment or operation of business

None ☐ State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
$107,425.00	2007 to date: Ms. Tina $20,500 (social security, pension, state aid for dependents). Mr. Tina $30,600 (social security, pension, military retirement, VA benefit). Gross rental income $56,325.
$140,720.00	2006 Ms. Tina $17,300 (social security, pension). Mr. Tina $35,150 (social security, pension, military retirement). Gross rental income $88,270.
$135,850.00	2005: Ms. Tina $16,600 (social security, pension). Mr. Tina $33,700 (social security, pension, military retirement). Gross rental income $85,550.

3. Payments to creditors

None ■ ***Complete a. or b., as appropriate, and c.***

a. *Individual or joint debtor(s) with primarily consumer debts.* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case if the aggregate value of all property that constitutes or is affected by such transfer is not less than $600. Indicate with an (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING

None ☐ b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case if the aggregate value of all property that constitutes or is affected by such transfer is not less than $5,475. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
World Savings San Antonio, TX 78251	June - September 2007	$5,700.00	$444,000.00
Countrywide Home Loans 450 American St. SV-3225 Simi Valley, CA 93065	Monthly payments June - September 2007. Mortgage payments on E. 4th property.	$9,900.00	$570,000.00
Countrywide Home Loans 450 American St. SV-3225 Simi Valley, CA 93065	Monthly payments June - September 2007 for mortgage on Euclid property.	$5,900.00	$441,000.00
Countrywide Home Loans 450 American St. SV-3225 Simi Valley, CA 93065	Monthly payments June - September 2007 for mortgage on Glencoe property.	$8,400.00	$341,000.00

None ☐ c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
P. Jones Hemet, CA Sister in law	August 2007.	$3,060.00	$2,000.00

4. Suits and administrative proceedings, executions, garnishments and attachments

None ☐ a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
RDO Financial v. Tina case no. GIS26148	Collection	SD Superior Court	Settled
RCP Block v. Tina case no. IS 24198	Collection	SD Superior Court	Pending.
Mesa Leasing v. Tina case no. GIC 860972	Collection	SD Superior Court	Judgment entered.
Mesa Leasing v. Tina, case no. 37-2007-12208-SC	Collection	SD Superior Court	Judgment entered.
Tina v. Cleveland case no. 07-90039-B	Nondischargeability	US Bk Ct So Dist CA	Pending

None ■ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY

5. Repossessions, foreclosures and returns

None ☐ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
Various creditors		Ms. Tina was tricked by Jay Cleveland into taking title to vehicles and guaranteeing the debt secured thereby in the Diaz Development scam. It is possible that such vehicles have been repossessed in the last year.
La Jolla Loan	June 2007	Real estate on Palm Avenue, National City, CA foreclosed on. Value of the property approx. $400,000.

6. Assignments and receiverships

None ■ a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT

9/10/07 4:48PM

None ■ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY

7. Gifts

None ☐ List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than $200 in value per individual family member and charitable contributions aggregating less than $100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
St. Mary's National City, CA	Church	Weeekly	$1000 total in past 12 mos.
Mr. and Ms. Evangelista National City, CA	None	July 2007	Clothing, furniture, kitchen items donated.

8. Losses

None ■ List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case.** (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS

9. Payments related to debt counseling or bankruptcy

None ☐ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Law Office of Michael T. O'Halloran 1010 Second Avenue, Suite 1727 San Diego, CA 92101-4908	July and September 2007	$3,475.00

10. Other transfers

None ☐ a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
A. Deleon 864 Glencoe Dr. San Diego, CA 92114 Family member	2007	864 Glencoe Dr. San Diego, CA 92114 transferred to Alexander DeLeon. The property did not have any equity at the time of the transfer.

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
La Jolla Loan Lender	Sept. 2006	Promissory note to La Jolla Loan paid off by Ms. Tina. Approx. $200,000 paid. This money was drawn from the equity in the 4th Street property owned by the debtors.

None ■ b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY

11. Closed financial accounts

None ☐ List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
Washington Mutual 1191 Second Ave. Seattle, WA 98101	Checking account closed. Account overdrawn	June 2007

12. Safe deposit boxes

None ■ List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY

13. Setoffs

None ■ List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF

14. Property held for another person

None ■ List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY

15. Prior address of debtor

None ■ If the debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY

16. Spouses and Former Spouses

None ■ If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

None ■ a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW

None ■ b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW

None ■ c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION

18 . Nature, location and name of business

None ☐ a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within **six years** immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOC. SEC. NO./ COMPLETE EIN OR OTHER TAXPAYER I.D. NO.	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
Diaz Development			This was a sham development company set up by Jay Cleveland, an individual who defrauded Ms. Tina by having her extend credit and guarantee debt of this enterprise for the sole benefit of Mr. Cleveland. It is believed to be defunct.	2003 - 2006
Rosario Tina		1220 Manchester National City, CA 91950	Ms. Tina operates an independent living house with 4-6 occupants. She provides room, board and utilities for occupants.	2005 - present
JR Manchester LLC		Defunct	Possible auto repair business. Open for only one month.	2007

None ■ b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor or self-employed in a trade, profession, or other activity, either full- or part-time.

*(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

19. Books, records and financial statements

None ■ a. List all bookkeepers and accountants who within **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED

9/10/07 4:48PM

None ■ b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME	ADDRESS	DATES SERVICES RENDERED

None ☐ c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME	ADDRESS
The Tinas None known to be missing as to the Tina businesses. The Tinas are not aware of any records in their possession as to the Diaz Development business and are not certain who may possess such records.	1220 Manchester National City, CA 91950

None ■ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within **two years** immediately preceding the commencement of this case.

NAME AND ADDRESS	DATE ISSUED

20. Inventories

None ■ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)

None ■ b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY	NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS

21 . Current Partners, Officers, Directors and Shareholders

None ■ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE OF INTEREST	PERCENTAGE OF INTEREST

None ■ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP

22 . Former partners, officers, directors and shareholders

None ■ a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL

None ■ b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION

23 . Withdrawals from a partnership or distributions by a corporation

None ■ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY

24. Tax Consolidation Group.

None ■ If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION	TAXPAYER IDENTIFICATION NUMBER (EIN)

25. Pension Funds.

None ■ If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

NAME OF PENSION FUND	TAXPAYER IDENTIFICATION NUMBER (EIN)

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date September 10, 2007 Signature /s/ Rosario Rivero Tina
Rosario Rivero Tina
Debtor

Date September 10, 2007 Signature /s/ Jesus G. Tina
Jesus G. Tina
Joint Debtor

Penalty for making a false statement: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571

9/10/07 4:48PM

Form 8
(10/05)

United States Bankruptcy Court
Southern District of California

In re Rosario Rivero Tina
Jesus G. Tina
Debtor(s)

Case No.
Chapter 7

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

■ I have filed a schedule of assets and liabilities which includes debts secured by property of the estate.

☐ I have filed a schedule of executory contracts and unexpired leases which includes personal property subject to an unexpired lease.

■ I intend to do the following with respect to property of the estate which secures those debts or is subject to a lease:

Description of Secured Property	Creditor's Name	Property will be Surrendered	Property is claimed as exempt	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)
House located at 863 Glencoe Dr. San Diego, CA 92114.	Americas Servicing Co	Debtor will retain collateral and continue to make regular payments.			
2005 Yukon Denali w/45,000 mi.	Chase	Debtor will retain collateral and continue to make regular payments.			
House located at 863 Glencoe Dr. San Diego, CA 92114.	Countrywide Home Loans	Debtor will retain collateral and continue to make regular payments.			
Three unit apartment building at 1720 E. 4th St, National City, CA 91950	Countrywide Home Loans	Debtor will retain collateral and continue to make regular payments.			
Three unit apartment building at 1720 E. 4th St, National City, CA 91950	Countrywide Home Loans	Debtor will retain collateral and continue to make regular payments.			
Two unit residential building at 865 Euclid Ave., San Diego, CA 92114	Downey Savings & Loan	Debtor will retain collateral and continue to make regular payments.			
Residence at 1220 Manchester St., National City, CA 91950	World Savings & Loan	Debtor will retain collateral and continue to make regular payments.			

Description of Leased Property	Lessor's Name	Lease will be assumed pursuant to 11 U.S.C. § 362(h)(1)(A)
-NONE-		

Date September 10, 2007 Signature /s/ Rosario Rivero Tina
Rosario Rivero Tina
Debtor

Date September 10, 2007 Signature /s/ Jesus G. Tina
Jesus G. Tina
Joint Debtor

9/10/07 4:48PM

United States Bankruptcy Court
Southern District of California

In re Rosario Rivero Tina
Jesus G. Tina
Debtor(s)

Case No.
Chapter 7

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	$	3,000.00
Prior to the filing of this statement I have received	$	3,000.00
Balance Due	$	0.00

2. The source of the compensation paid to me was:

■ Debtor ☐ Other (specify):

3. The source of compensation to be paid to me is:

■ Debtor ☐ Other (specify):

4. ■ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
d. [Other provisions as needed]

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:
Representation of the debtor or debtors in any dischargeability actions, 2004 examinations, judicial lien avoidances, relief from stay actions or any other adversary proceeding or contested matter. Post-petition representation not covered by the flat fee shall be rendered, if agreed to by the debtor and the Firm, at the usual hourly rates charged by the Firm.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: September 10, 2007

/s/ Michael T. O'Halloran CLS-B

Michael T. O'Halloran CLS-B #99085
Law Office of Michael T. O'Halloran
1010 Second Avenue, Suite 1727
San Diego, CA 92101-4908
619-233-1727 Fax: 619-233-6526
MTO@Debtsd.com

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days **before** the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation ($245 filing fee, $39 administrative fee, $15 trustee surcharge: Total Fee $299)

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income ($235 filing fee, $39 administrative fee: Total fee $274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization ($1000 filing fee, $39 administrative fee: Total fee $1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman ($200 filing fee, $39 administrative fee: Total fee $239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of Attorney

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Michael T. O'Halloran CLS-B #99085	X /s/ Michael T. O'Halloran CLS-B	September 10, 2007
Printed Name of Attorney	Signature of Attorney	Date

Address:
1010 Second Avenue, Suite 1727
San Diego, CA 92101-4908
619-233-1727

Certificate of Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Rosario Rivero Tina Jesus G. Tina	X /s/ Rosario Rivero Tina	September 10, 2007
Printed Name of Debtor	Signature of Debtor	Date
Case No. (if known) ______________	X /s/ Jesus G. Tina	September 10, 2007
	Signature of Joint Debtor (if any)	Date

9/10/07 4:48PM

CSD 1008 [08/21/00]

Name, Address, Telephone No. & I.D. No.
Michael T. O'Halloran CLS-B #99085
1010 Second Avenue, Suite 1727
San Diego, CA 92101-4908
619-233-1727
#99085

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West "F" Street, San Diego, California 92101-6991

In Re
Rosario Rivero Tina
Jesus G. Tina

Debtor.

BANKRUPTCY NO.

VERIFICATION OF CREDITOR MATRIX

PART I (check and complete one):

■ New petition filed. Creditor diskette required. TOTAL NO. OF CREDITORS: 55

☐ Conversion filed on ____________. *See instructions on reverse side.*
- ☐ Former Chapter 13 converting. Creditor diskette required. TOTAL NO. OF CREDITORS:_____
- ☐ Post-petition creditors added. Scannable matrix required.
- ☐ There are no post-petition creditors. No matrix required.

☐ Amendment or Balance of Schedules filed concurrently with this original scannable matrix affecting Schedule of Debts and/or Schedule of Equity Security Holders. *See instructions on reverse side.*
- ☐ Names and addresses are being ADDED.
- ☐ Names and addresses are being DELETED.
- ☐ Names and addresses are being CORRECTED.

PART II (check one):

■ The above-named Debtor(s) hereby verifies that the list of creditors is true and correct to the best of my (our) knowledge.

☐ The above-named Debtor(s) hereby verifies that there are no post-petition creditors affected by the filing of the conversion of this case and that the filing of a matrix is not required.

Date: September 10, 2007 /s/ Rosario Rivero Tina
Rosario Rivero Tina
Signature of Debtor

Date: September 10, 2007 /s/ Jesus G. Tina
Jesus G. Tina
Signature of Debtor

REFER TO INSTRUCTIONS ON REVERSE SIDE

CSD 1008

INSTRUCTIONS

1) Full compliance with Special Requirements for Mailing Addresses (CSD 1007) is required.

2) A creditors matrix with Verification is required whenever the following occurs:

a) A new petition is filed. Diskette required.

b) A case is converted on or after SEPTEMBER 1, 2000. (See paragraph 4b concerning post-petition creditors.)

c) An amendment to a case on or after SEPTEMBER 1, 2000, which adds, deletes or changes creditor address information on the debtor's Schedule of Debts and/or Schedule of Equity Security Holders. Scannable matrix format required.

3) The scannable matrix must be originally typed or printed. It may not be a copy.

4) CONVERSIONS:

a) When converting a Chapter 13 case filed before SEPTEMBER 1, 2000, to another chapter, ALL creditors must be listed on the mailing matrix at the time of filing and accompanied by a Verification. Diskette required.

b) For Chapter 7, 11, or 12 cases converted on or after SEPTEMBER 1, 2000, only post-petition creditors need be listed on the mailing matrix. The matrix and Verification must be filed with the post-petition schedule of debts and/or schedule of equity security holders. If there are no post-petition creditors, only the verification form is required. Scannable matrix format required.

5) AMENDMENTS AND BALANCE OF SCHEDULES:

a) Scannable matrix format required.

b) The matrix with Verification is a document separate from the amended schedules and may not be used to substitute for any portion of the schedules. IT MUST BE SUBMITTED WITH THE AMENDMENT/BALANCE OF SCHEDULES.

c) Prepare a separate page for each type of change required: ADDED, DELETED, or CORRECTED. On the **REVERSE** side of each matrix page, indicate which category that particular page belongs in. Creditors falling in the same category should be placed on the same page in alphabetical order.

6) Please refer to CSD 1007 for additional information on how to avoid matrix-related problems.

Americas Servicing Co
Acct No xxxxxxxxx8123
7485 New Horizon Way
Frederick, MD 21703

Amex
Acct No xxxxxxxxxxxxxx7821
P.O. Box 297871
Fort Lauderdale, FL 33329

AT&T
Acct No 0757
Payment Center
Sacramento, CA 95887

AT&T Wireless
P.O. Box 68056
Anaheim Hills, CA 92817

Bank Of America
Acct No xxxxxxxxxx1805
201 N. Tryon St.
Charlotte, NC 28255

Bank Of America
Acct No 0651
P.O. Box 1598
Norfolk, VA 23501

Bureau of Collection Recovery
7575 Corporate Way
Eden Prairie, MN 55344

Ira Carlin Esq.
235 E. Fourth Ave.
Escondido, CA 92025

Chase
Acct No xxxxxxxx3000
800 Brooksedge Blvd.
Westerville, OH 43081

Chase
Acct No xxxxxxxxxx3102
900 Stewart Ave
Garden City, NY 11530

Chicago Title
701 B Street #1700
San Diego, CA 92101

Cingular Wireless
Acct No 8647
P.O. Box 60017
Los Angeles, CA 90060-0017

City Of San Diego
Acct No xxx0482
1010 2nd Ave Ste 666
San Diego, CA 92101

Jay and Josephine Cleveland
908 Paradise Knoll Ct.
National City, CA 91950

College\La Mesa Smog
7643 University Ave. #G
La Mesa, CA 91941

Countrywide Home Loans
Acct No xxxxx7931
450 American St
Simi Valley, CA 93065

Countrywide Home Loans
Acct No xxxx0741
450 American St
Simi Valley, CA 93065

Countrywide Home Loans
Acct No xxxx4565
450 American St
Simi Valley, CA 93065

Countrywide Home Loans
Acct No xxxxx7968
450 American St
Simi Valley, CA 93065

Credit First N A
Acct No xxxxx2555
6275 Eastland Rd
Brook Park, OH 44142

Discover Fin Svcs Llc
Acct No xxxxxxxx2820
Po Box 15316
Wilmington, DE 19850

Diversified Consultants
P.O. Box 551268
Jacksonville, FL 32255

Downey Savings & Loan
Acct No xxxxxx1137
3501 Jamboree Rd Ste 410
Newport Beach, CA 92660

Ford Credit
Acct No xxxx1057
Po Box Box 542000
Omaha, NE 68154

G M A C
Acct No xxxxxxxx4134
Po Box 12699
Glendale, AZ 85318

Gemb/Jewelry Accents G
Acct No xxxxxxxx0802
Po Box 981439
El Paso, TX 79998

Gemb/Project Line
Acct No xxxxxxxx2400
P.O. Box 981439
El Paso, TX 79998

Guevara Phippard and James
1420 Kettner Bl. #600
San Diego, CA 92101

Gulf Insurance
c/o Hausman and Sosa
18757 Burbank Bl.
Tarzana, CA 91356

Heartland America
c/o Goggins & Lavintman
1295 Northland Dr., #270
Saint Paul, MN 55120

Home Depot Credit Svc.
P.O. Box 630308
Irving, TX 75063

Hsbc Nv
Acct No xxxxxx6086
P.O.Box 19360
Salinas, CA 93901

Hsbc/Rs
Acct No xxxxxxx9447
90 Christiana Rd
New Castle, DE 19720

Richard Kipperman, trustee
P.O. Box 3939
La Mesa, CA 91944

Ladco Leasing
Acct No xxx7385
555 St Charles Place
Thousand Oaks, CA 91360

Mercedes-Benz Financial
Acct No xxxxxx6515
27777 Inkster Rd
Farmington Hills, MI 48334

Mesa Leasing
c/o Ellen Stern
17630 El Mineral Rd.
Perris, CA 92570

Mesa Leasing
4180 Ruffin Rd., #205
San Diego, CA 92123

Mid Century Insurance
c/o Credit Collection
Two Wells Ave. Dept. 9134
Newton Center, MA 02459

Military Star
Acct No xxxxxxxxxxxx4931
3911 S Walton Walker Blv
Dallas, TX 75236

Military Star
Acct No xxxxxxxxxxxx0342
3911 S. Walton Walker Blv
Dallas, TX 75236

Money Control
Acct No xxx2058
P O Box 49990
Riverside, CA 92514

Mr. Stroud
1720 E. 4th
National City, CA

Nextel Communications
3610 S. Highland
Las Vegas, NV 89103

Pacific Bell Wireless
P.O. Box 989046
West Sacramento, CA 95798

RDO Financial
20 Iowa Ave.
Riverside, CA 92502

Eugenio Salvanera DDS
1035 S. Harbison Ave. #A
National City, CA 91950

June Soto
J&B Surveying
12600 Stowe Dr., Ste. 1
Poway, CA 92064

Southern Cal Soil and Testing
c/o D. Billings
6280 Riverdale St.
San Diego, CA 92120

Sprint
Acct No 5420
2330 Shawnee Mission Pkwy.
Shawnee Mission, KS 66205

Thd/Cbsd
Acct No xxxxxxxxxxxx3651
P.O. Box 6003
Hagerstown, MD 21747

Us Bank
Acct No xxxxx4695
P.O. Box 790084
Saint Louis, MO 63179

West Coast Drywall
c/o Lee Morrison
530 B Street #1450
San Diego, CA 92101

James Williams
c/o Daniel Yauger
3170 Fourth Ave. 3rd Fl
San Diego, CA 92103

World Savings & Loan
Acct No xxxxxxxxx8094
4101 Wiseman Blvd # Mc-T
San Antonio, TX 78251

9/10/07 4:48PM

Official Form 22A (Chapter 7) (04/07)

In re Rosario Rivero Tina
Jesus G. Tina
Debtor(s)

Case Number: ______
(If known)

According to the calculations required by this statement:
☐ **The presumption arises.**
■ **The presumption does not arise.**
(Check the box as directed in Parts I, III, and VI of this statement.)

CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS-TEST CALCULATION

In addition to Schedules I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly, whose debts are primarily consumer debts. Joint debtors may complete one statement only.

Debtor declares under penalty of perjury that debts are primarily non-consumer; therefore, Means Test does not apply per § 707(b)(1).

Part I. EXCLUSION FOR DISABLED VETERANS

1	If you are a disabled veteran described in the Veteran's Declaration in this Part I, (1) check the box at the beginning of the Veteran's Declaration, (2) check the box for "The presumption does not arise" at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement. ☐ **Veteran's Declaration.** By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. §901(1)).

Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION

2	**Marital/filing status.** Check the box that applies and complete the balance of this part of this statement as directed. a. ☐ Unmarried. **Complete only Column A ("Debtor's Income") for Lines 3-11.** b. ☐ Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." **Complete only column A ("Debtor's Income") for Lines 3-11.** c. ☐ Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. **Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.** d. ■ Married, filing jointly. **Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.**		
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.	**Column A** **Debtor's Income**	**Column B** **Spouse's Income**
3	**Gross wages, salary, tips, bonuses, overtime, commissions.**	$ 0.00	$ 0.00
4	**Income from the operation of a business, profession or farm.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. Do not enter a number less than zero. **Do not include any part of the business expenses entered on Line b as a deduction in Part V.** (Debtor / Spouse) a. Gross receipts — $ 0.00 / $ 0.00 b. Ordinary and necessary business expenses — $ 0.00 / $ 0.00 c. Business income — Subtract Line b from Line a	$ 0.00	$ 0.00
5	**Rents and other real property income.** Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 5. Do not enter a number less than zero. **Do not include any part of the operating expenses entered on Line b as a deduction in Part V.** (Debtor / Spouse) a. Gross receipts — $ 0.00 / $ 0.00 b. Ordinary and necessary operating expenses — $ 0.00 / $ 0.00 c. Rent and other real property income — Subtract Line b from Line a	$ 0.00	$ 0.00
6	**Interest, dividends, and royalties.**	$ 0.00	$ 0.00

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7	**Pension and retirement income.**	$ 0.00	$ 0.00
8	**Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child or spousal support.** Do not include amounts paid by the debtor's spouse if Column B is completed.	$ 0.00	$ 0.00

9	**Unemployment compensation.** Enter the amount in the appropriate column(s) of Line 9. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: Unemployment compensation claimed to be a benefit under the Social Security Act — Debtor $ 0.00 — Spouse $ 0.00	$ 0.00	$ 0.00
10	**Income from all other sources.** If necessary, list additional sources on a separate page. **Do not include** any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism. Specify source and amount. Debtor / Spouse a. $ / $ b. $ / $ Total and enter on Line 10	$ 0.00	$ 0.00
11	**Subtotal of Current Monthly Income for § 707(b)(7).** Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).	$ 0.00	$ 0.00
12	**Total Current Monthly Income for § 707(b)(7).** If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.	$ 0.00	

Part III. APPLICATION OF § 707(b)(7) EXCLUSION

13	**Annualized Current Monthly Income for § 707(b)(7).** Multiply the amount from Line 12 by the number 12 and enter the result.	$ 0.00
14	**Applicable median family income.** Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: CA b. Enter debtor's household size: 7	$ 93,696.00
15	**Application of Section 707(b)(7).** Check the applicable box and proceed as directed. ■ **The amount on Line 13 is less than or equal to the amount on Line 14.** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI or VII. ☐ **The amount on Line 13 is more than the amount on Line 14.** Complete the remaining parts of this statement.	

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)

16	**Enter the amount from Line 12.**	$
17	**Marital adjustment.** If you checked the box at Line 2.c, enter the amount of the income listed in Line 11, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. If you did not check box at Line 2.c, enter zero.	$
18	**Current monthly income for § 707(b)(2).** Subtract Line 17 from Line 16 and enter the result.	$

Part V. CALCULATION OF DEDUCTIONS ALLOWED UNDER § 707(b)(2)

Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)

19	**National Standards: food, clothing, household supplies, personal care, and miscellaneous.** Enter "Total" amount from IRS National Standards for Allowable Living Expenses for the applicable family size and income level. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	$
20A	**Local Standards: housing and utilities; non-mortgage expenses.** Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and family size. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court).	$

20B	**Local Standards: housing and utilities; mortgage/rent expense.** Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and family size (this information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 42; subtract Line b from Line a and enter the result in Line 20B. **Do not enter an amount less than zero.** a. IRS Housing and Utilities Standards; mortgage/rental expense — $ b. Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42 — $ c. Net mortgage/rental expense — Subtract Line b from Line a.	$
21	**Local Standards: housing and utilities; adjustment.** If you contend that the process set out in Lines 20A and 20B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:	$
22	**Local Standards: transportation; vehicle operation/public transportation expense.** You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation. Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8. ☐ 0 ☐ 1 ☐ 2 or more. Enter the amount from IRS Transportation Standards, Operating Costs & Public Transportation Costs for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	$
23	**Local Standards: transportation ownership/lease expense; Vehicle 1.** Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) ☐ 1 ☐ 2 or more. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, First Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. **Do not enter an amount less than zero.** a. IRS Transportation Standards, Ownership Costs, First Car — $ b. Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42 — $ c. Net ownership/lease expense for Vehicle 1 — Subtract Line b from Line a.	$
24	**Local Standards: transportation ownership/lease expense; Vehicle 2.** Complete this Line only if you checked the "2 or more" Box in Line 23. Enter, in Line a below, the amount of the IRS Transportation Standards, Ownership Costs, Second Car (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 42; subtract Line b from Line a and enter the result in Line 24. **Do not enter an amount less than zero.** a. IRS Transportation Standards, Ownership Costs, Second Car — $ b. Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42 — $ c. Net ownership/lease expense for Vehicle 2 — Subtract Line b from Line a.	$
25	**Other Necessary Expenses: taxes.** Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. **Do not include real estate or sales taxes.**	$
26	**Other Necessary Expenses: mandatory payroll deductions.** Enter the total average monthly payroll deductions that are required for your employment, such as mandatory retirement contributions, union dues, and uniform costs. **Do not include discretionary amounts, such as non-mandatory 401(k) contributions.**	$
27	**Other Necessary Expenses: life insurance.** Enter average monthly premiums that you actually pay for term life insurance for yourself. **Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.**	$

28	**Other Necessary Expenses: court-ordered payments.** Enter the total monthly amount that you are required to pay pursuant to court order, such as spousal or child support payments. **Do not include payments on past due support obligations included in Line 44.**	$
29	**Other Necessary Expenses: education for employment or for a physically or mentally challenged child.** Enter the total monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.	$
30	**Other Necessary Expenses: childcare.** Enter the average monthly amount that you actually expend on childcare - such as baby-sitting, day care, nursery and preschool. **Do not include other educational payments.**	$
31	**Other Necessary Expenses: health care.** Enter the average monthly amount that you actually expend on health care expenses that are not reimbursed by insurance or paid by a health savings account. **Do not include payments for health insurance or health savings accounts listed in Line 34.**	$
32	**Other Necessary Expenses: telecommunication services.** Enter the average monthly amount that you actually pay for telecommunication services other than your basic home telephone service - such as cell phones, pagers, call waiting, caller id, special long distance, or internet service - to the extent necessary for your health and welfare or that of your dependents. **Do not include any amount previously deducted.**	$
33	**Total Expenses Allowed under IRS Standards.** Enter the total of Lines 19 through 32.	$
	Subpart B: Additional Expense Deductions under § 707(b) **Note: Do not include any expenses that you have listed in Lines 19-32**	
34	**Health Insurance, Disability Insurance, and Health Savings Account Expenses.** List and total the average monthly amounts that you actually pay for yourself, your spouse, or your dependents in the following categories. a. Health Insurance $ b. Disability Insurance $ c. Health Savings Account $ Total: Add Lines a, b and c	$
35	**Continued contributions to the care of household or family members.** Enter the actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.	$
36	**Protection against family violence.** Enter any average monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.	$
37	**Home energy costs.** Enter the average monthly amount, in excess of the allowance in the IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. **You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.**	$
38	**Education expenses for dependent children less than 18.** Enter the average monthly expenses that you actually incur, not to exceed $137.50 per child, in providing elementary and secondary education for your dependent children less than 18 years of age. **You must provide your case trustee with documentation demonstrating that the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.**	$
39	**Additional food and clothing expense.** Enter the average monthly amount by which your food and clothing expenses exceed the combined allowances for food and apparel in the IRS National Standards, not to exceed five percent of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) **You must provide your case trustee with documentation demonstrating that the additional amount claimed is reasonable and necessary.**	$
40	**Continued charitable contributions.** Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).	$
41	**Total Additional Expense Deductions under § 707(b).** Enter the total of Lines 34 through 40	$

Subpart C: Deductions for Debt Payment

42	**Future payments on secured claims.** For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, and state the Average Monthly Payment. The Average Monthly Payment is the total of all amounts contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. Mortgage debts should include payments of taxes and insurance required by the mortgage. If necessary, list additional entries on a separate page.	

	Name of Creditor	Property Securing the Debt	60-month Average Payment
a.			$
			Total: Add Lines

Line 42 total: $

43	**Other payments on secured claims.** If any of debts listed in Line 42 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 42, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.	

	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount
a.			$
			Total: Add Lines

Line 43 total: $

44	**Payments on priority claims.** Enter the total amount of all priority claims (including priority child support and alimony claims), divided by 60.	$
45	**Chapter 13 administrative expenses.** If you are eligible to file a case under Chapter 13, complete the following chart, multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.	

a.	Projected average monthly Chapter 13 plan payment.	$
b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)	x
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b

Line 45 total: $

46	**Total Deductions for Debt Payment.** Enter the total of Lines 42 through 45.	$

Subpart D: Total Deductions Allowed under § 707(b)(2)

47	**Total of all deductions allowed under § 707(b)(2).** Enter the total of Lines 33, 41, and 46.	$

Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION

48	**Enter the amount from Line 18 (Current monthly income for § 707(b)(2))**	$
49	**Enter the amount from Line 47 (Total of all deductions allowed under § 707(b)(2))**	$
50	**Monthly disposable income under § 707(b)(2).** Subtract Line 49 from Line 48 and enter the result.	$
51	**60-month disposable income under § 707(b)(2).** Multiply the amount in Line 50 by the number 60 and enter the result.	$

52	**Initial presumption determination.** Check the applicable box and proceed as directed. ☐ **The amount on Line 51 is less than $6,575.** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. Do not complete the remainder of Part VI. ☐ **The amount set forth on Line 51 is more than $10,950** Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII. Do not complete the remainder of Part VI. ☐ **The amount on Line 51 is at least $6,575, but not more than $10,950.** Complete the remainder of Part VI (Lines 53 through 55).
53	**Enter the amount of your total non-priority unsecured debt** — $
54	**Threshold debt payment amount.** Multiply the amount in Line 53 by the number 0.25 and enter the result. — $
55	**Secondary presumption determination.** Check the applicable box and proceed as directed. ☐ **The amount on Line 51 is less than the amount on Line 54.** Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. ☐ **The amount on Line 51 is equal to or greater than the amount on Line 54.** Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.

Part VII. ADDITIONAL EXPENSE CLAIMS

56 **Other Expenses.** List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.

	Expense Description	Monthly Amount
a.		$
b.		$
c.		$
d.		$
	Total: Add Lines a, b, c, and d	$

Part VIII. VERIFICATION

57 I declare under penalty of perjury that the information provided in this statement is true and correct. *(If this is a joint case, both debtors must sign.)*

Date: September 10, 2007 Signature: /s/ Rosario Rivero Tina
Rosario Rivero Tina
(Debtor)

Date: September 10, 2007 Signature /s/ Jesus G. Tina
Jesus G. Tina
(Joint Debtor, if any)

EXHIBIT B

B18
(Official Form 18)
(12/07)

United States Bankruptcy Court
Southern District of California
Jacob Weinberger U.S. Courthouse
325 West F Street
San Diego, CA 92101-6991

Telephone: 619-557-5620
Website: www.casb.uscourts.gov
Hours: 9:00am-4:00pm Monday-Friday

In re: *Debtor name(s) used by the debtor in the last 8 years, including married, maiden, trade, and address:*

Rosario Rivero Tina
1220 Manchester St.
National City, CA 91950

Social Security No.: xxx-xx-6425
No Known Aliases

Jesus G. Tina
1220 Manchester St.
National City, CA 91950

Social Security No.: xxx-xx-6848
No Known Aliases

Case number: 07-05003-PB7
Chapter: 7
Judge Peter W. Bowie

Discharge of Debtor

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under §727 of title 11, United States Code, (the Bankruptcy Code).

Dated: 12/11/07

By order of the court:

Barry K. Lander
Clerk of the Bankruptcy Court

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION

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B18 (Official Form 18)(12/07) – Continued

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person(s) named as the debtor(s). It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor(s) a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor(s).

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts that are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

a. Debts for most taxes;
b. Debts incurred to pay nondischargeable taxes (applies to cases filed on or after 10/17/2005);
c. Debts that are domestic support obligations;
d. Debts for most student loans;
e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
g. Some debts which were not properly listed by the debtor;
h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.
j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans. (applies to cases filed on or after 10/17/2005)

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

BAE SYSTEMS
Bankruptcy Noticing Center
2525 Network Place, 3rd Floor
Herndon, Virginia 20171-3514

CERTIFICATE OF SERVICE

District/off: 0974-3 User: admin Page 1 of 2 Date Rcvd: Dec 11, 2007
Case: 07-05003 Form ID: b18 Total Served: 72

The following entities were served by first class mail on Dec 13, 2007.
db +Rosario Rivero Tina, 1220 Manchester St., National City, CA 91950-4119
jdb +Jesus G. Tina, 1220 Manchester St., National City, CA 91950-4119
aty +Michael T. O'Halloran, 1010 Second Avenue, Ste. 1727, San Diego, CA 92101-4908
tr +Gregory A. Akers, 10731 Treena St., Suite 209, San Diego, CA 92131-1041
smg +Div. of Labor Standards Enforcement, 7575 Metropolitan Drive, Suite 210, San Diego, CA 92108-4424
smg +Dun & Bradstreet, Attn: Public Records, Maryanne Bachert, 899 Eaton Ave., Bethlehem, PA 18025-0025
smg +Employment Develop. Dept., State of CA, Bankruptcy Unit - MIC 92E, P.O. Box 826880, Sacramento, CA 94280-0001
smg +State Board of Equalization, P.O. Box 942879, Sacramento, CA 94279-0001
ust +US Trustee, 3530 James Circle, Spring Valley, CA 91977-2103
9168326 +AT&T, Acct No 0757, Payment Center, Sacramento, CA 95887-0001
9168324 +Americas Servicing Co, Acct No xxxxxxxxx8123, 7485 New Horizon Way, Frederick, MD 21703-8388
9168328 +Bank Of America, Acct No xxxxxxxxxx1805, 201 N. Tryon St., Charlotte, NC 28255-0001
9168329 +Bank Of America, Acct No 0651, P.O. Box 1598, Norfolk, VA 23501-1598
9168330 +Bureau of Collection Recovery, 7575 Corporate Way, Eden Prairie, MN 55344-2000
9168334 +Chicago Title, 701 B Street #1700, San Diego, CA 92101-8163
9168336 +City Of San Diego, Acct No xxx0482, 1010 2nd Ave Ste 666, San Diego, CA 92101-4920
9168338 +College\La Mesa Smog, 7643 University Ave. #G, La Mesa, CA 91941-6202
9182582 +DCFS Trust, c/o Jennifer H. Wang, 535 Anton Blvd. 10th Floor, Costa Mesa, CA 92626-1947
9168345 +Diversified Consultants, P.O. Box 551268, Jacksonville, FL 32255-1268
9168370 +Eugenio Salvanera DDS, 1035 S. Harbison Ave. #A, National City, CA 91950-3919
9189221 +Ford Motor Credit Company LLC, Drawer 55-953, P.O. Box 55000, Detroit, MI 48255-0001
9168348 +G M A C, Acct No xxxxxxxx4134, Po Box 12699, Glendale, AZ 85318-2699
9168349 +Gemb/Jewelry Accents G, Acct No xxxxxxxx0802, Po Box 981439, El Paso, TX 79998-1439
9168350 +Gemb/Project Line, Acct No xxxxxxxx2400, P.O. Box 981439, El Paso, TX 79998-1439
9168351 +Guevara Phippard and James, 1420 Kettner Bl. #600, San Diego, CA 92101-2496
9168352 +Gulf Insurance, c/o Hausman and Sosa, 18757 Burbank Bl., Tarzana, CA 91356-3375
9168353 +Heartland America, c/o Goggins & Lavintman, 1295 Northland Dr., #270, Saint Paul, MN 55120-1373
9168354 +Home Depot Credit Svc., P.O. Box 630308, Irving, TX 75063-0308
9168355 Hsbc Nv, Acct No xxxxxx6086, P.O.Box 19360, Salinas, CA 93901
9168331 +Ira Carlin Esq., 235 E. Fourth Ave., Escondido, CA 92025-4901
9176945 +Ira S. Carlin, Attorney at Law, 235 East fourth Avenue, Escondido, CA 92025-4901
9168377 +James Williams, c/o Daniel Yauger, 3170 Fourth Ave. 3rd Fl, San Diego, CA 92103-5850
9168337 +Jay and Josephine Cleveland, 908 Paradise Knoll Ct., National City, CA 91950-3861
9168371 +June Soto, J&B Surveying, 12600 Stowe Dr., Ste. 1, Poway, CA 92064-6866
9168358 +Ladco Leasing, Acct No xxx7385, 555 St Charles Place, Thousand Oaks, CA 91360-3982
9168360 +Mesa Leasing, c/o Ellen Stern, 17630 El Mineral Rd., Perris, CA 92570-7400
9168361 +Mesa Leasing, 4180 Ruffin Rd., #205, San Diego, CA 92123-1834
9168362 +Mid Century Insurance, c/o Credit Collection, Two Wells Ave. Dept. 9134, Newton Center, MA 02459-3208
9168365 +Money Control, Acct No xxx2058, P O Box 49990, Riverside, CA 92514-1990
9188694 +Mortgage Electronic Registration Systems, Inc. ("M, 1665 Scenic Ave Ste 200, Costa Mesa, CA 92626-1441
9190944 Mortgage Electronic Registration Systems, Inc. 166, Costa Mesa, CA 92626
9168366 +Mr. Stroud, 1720 E. 4th, National City, CA 91950-2712
9168368 +Pacific Bell Wireless, P.O. Box 989046, West Sacramento, CA 95798-9046
9168369 +RDO Financial Services Co., P.O. Box 7160, Fargo, ND 58106-7160
9168357 +Richard Kipperman, trustee, P.O. Box 3939, La Mesa, CA 91944-3939
9168372 +Southern Cal Soil and Testing, c/o D. Billings, 6280 Riverdale St., San Diego, CA 92120-3308
9168374 +Thd/Cbsd, Acct No xxxxxxxxxxxx3651, P.O. Box 6003, Hagerstown, MD 21747-6003
9168375 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229 (address filed with court: Us Bank, Acct No xxxxx4695, P.O. Box 790084, Saint Louis, MO 63179)
9168376 +West Coast Drywall, c/o Lee Morrison, 530 B Street #1450, San Diego, CA 92101-4419
9168378 +World Savings & Loan, Acct No xxxxxxxxx8094, 4101 Wiseman Blvd # Mc-T, San Antonio, TX 78251-4200

The following entities were served by electronic transmission on Dec 12, 2007.
smg EDI: CALTAX.COM Dec 12 2007 01:46:00 Franchise Tax Board, Attn: Bankruptcy, P.O. Box 2952, Sacramento, CA 95812-2952
smg E-mail/PDF: ustp.region15@usdoj.gov Dec 12 2007 05:17:27 Office of the U.S. Trustee, 402 West Broadway, Ste. 600, San Diego, CA 92101-8511
ust E-mail/PDF: ustp.region15@usdoj.gov Dec 12 2007 05:17:27 United States Trustee, Office of the U.S. Trustee, 402 West Broadway, Sute 600, San Diego, CA 92101-8511
9168327 +EDI: CINGMIDLAND.COM Dec 12 2007 01:46:00 AT&T Wireless, P.O. Box 68056, Anaheim Hills, CA 92817-0856
9168325 +EDI: AMEREXPR.COM Dec 12 2007 01:46:00 Amex, Acct No xxxxxxxxxxxxxx7821, P.O. Box 297871, Fort Lauderdale, FL 33329-7871
9168328 +EDI: BANKAMER2.COM Dec 12 2007 01:46:00 Bank Of America, Acct No xxxxxxxxxx1805, 201 N. Tryon St., Charlotte, NC 28255-0001
9168329 +EDI: BANKAMER2.COM Dec 12 2007 01:46:00 Bank Of America, Acct No 0651, P.O. Box 1598, Norfolk, VA 23501-1598
9168333 +EDI: CAUT.COM Dec 12 2007 01:46:00 Chase, Acct No xxxxxxxxxx3102, 900 Stewart Ave, Garden City, NY 11530-4855
9168332 +EDI: CHASE.COM Dec 12 2007 01:46:00 Chase, Acct No xxxxxxxx3000, 800 Brooksedge Blvd., Westerville, OH 43081-2822
9168335 EDI: CINGMIDLAND.COM Dec 12 2007 01:46:00 Cingular Wireless, Acct No 8647, P.O. Box 60017, Los Angeles, CA 90060-0017

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District/off: 0974-3 User: admin Page 2 of 2 Date Rcvd: Dec 11, 2007
Case: 07-05003 Form ID: b18 Total Served: 72

The following entities were served by electronic transmission (continued)

9168339 +EDI: COUNTRYWIDE.COM Dec 12 2007 01:46:00 Countrywide Home Loans, Acct No xxxxx7931, 450 American St, Simi Valley, CA 93065-6285
9168342 +EDI: COUNTRYWIDE.COM Dec 12 2007 01:46:00 Countrywide Home Loans, Acct No xxxxx7968, 450 American St, Simi Valley, CA 93065-6285
9168341 +EDI: COUNTRYWIDE.COM Dec 12 2007 01:46:00 Countrywide Home Loans, Acct No xxxx4565, 450 American St, Simi Valley, CA 93065-6285
9168340 +EDI: COUNTRYWIDE.COM Dec 12 2007 01:46:00 Countrywide Home Loans, Acct No xxxx0741, 450 American St, Simi Valley, CA 93065-6285
9168343 +EDI: CRFRSTNA.COM Dec 12 2007 01:46:00 Credit First N A, Acct No xxxxx2555, 6275 Eastland Rd, Brook Park, OH 44142-1301
9168344 +EDI: DISCOVER.COM Dec 12 2007 01:46:00 Discover Fin Svcs Llc, Acct No xxxxxxxx2820, Po Box 15316, Wilmington, DE 19850-5316
9168346 +E-mail/Text: joeydeleon@downeysavings.com Downey Savings & Loan, Acct No xxxxxx1137, 3501 Jamboree Rd Ste 410, Newport Beach, CA 92660-2939
9168347 +EDI: FORD.COM Dec 12 2007 01:46:00 Ford Credit, Acct No xxxx1057, Po Box Box 542000, Omaha, NE 68154-8000
9168356 +EDI: HFC.COM Dec 12 2007 01:46:00 Hsbc/Rs, Acct No xxxxxxx9447, 90 Christiana Rd, New Castle, DE 19720-3118
9168359 +EDI: CHRYSLER.COM Dec 12 2007 01:46:00 Mercedes-Benz Financial, Acct No xxxxxx6515, 27777 Inkster Rd, Farmington Hills, MI 48334-5326
9168363 +EDI: CBSAAFES.COM Dec 12 2007 01:46:00 Military Star, Acct No xxxxxxxxxxxx4931, 3911 S Walton Walker Blv, Dallas, TX 75236-1509
9168364 +EDI: CBSAAFES.COM Dec 12 2007 01:46:00 Military Star, Acct No xxxxxxxxxxxx0342, 3911 S. Walton Walker Blv, Dallas, TX 75236-1509
9168367 +EDI: NEXTEL.COM Dec 12 2007 01:46:00 Nextel Communications, 3610 S. Highland, Las Vegas, NV 89103-5722
9168373 +EDI: NEXTEL.COM Dec 12 2007 01:46:00 Sprint, Acct No 5420, 2330 Shawnee Mission Pkwy., Shawnee Mission, KS 66205-2005
9168375 EDI: USBANKARS.COM Dec 12 2007 01:46:00 Us Bank, Acct No xxxxx4695, P.O. Box 790084, Saint Louis, MO 63179

TOTAL: 25

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 13, 2007 **Signature:** Joseph Speetjens

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EXHIBIT C

CSD 2065 [04/04/05]

Court Telephone: (619) 557-5620
Court Hours: 9:00am-4:00pm, Monday-Friday
www.casb.uscourts.gov

Gregory A. Akers (SBN 91936)
10731 Treena St., Ste. 209
San Diego, CA 92131 Tel: 858/635-9350

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re

JESUS and ROSARIO TINA

Debtor.

BANKRUPTCY NO. 07-05003-B7

TRUSTEE'S NOTICE OF PROPOSED ABANDONMENT OF PROPERTY

TO THE DEBTOR, ALL CREDITORS, AND OTHER PARTIES IN INTEREST:

Pursuant to 11 U.S.C. § 554 and Federal Rule of Bankruptcy Procedure 6007(a), notice is hereby given that the undersigned Trustee for the estate of the above-named debtor intends to abandon the following property:

PROPERTY TO BE ABANDONED:

1220 Manchester, National City, CA 91950 - FMV $550,000 / LIENS $444,000, plus homestead
863 Glencoe, San Diego, CA 92114 - FMV $430,000 / LIENS $426,000
865 Euclid, San Diego, CA 92114 - FMV $395,000 / LIENS $441,000
1720 E. 4th, National City, CA 91950 - FMV $570,000 / LIENS $570,000

ESTIMATED VALUE OF THE PROPERTY:

See above

LIENS AGAINST THE PROPERTY:

See above

The property is to be abandoned because:

☑ There is little or no equity in the property for the estate.

☐ Costs of collection or litigation will probably exceed any recovery.

☐ Preservation of the asset is burdensome to the bankruptcy estate.

☑ Other: Minimal or no projected benefit to creditors after exemptions, costs of sale and administration

By abandoning the property, the Trustee is returning the property to the debtor because it cannot, for the reasons stated above, be liquidated for the benefit of creditors. Requests for additional information about the proposed abandonment should be directed to the Trustee named below.

IF YOU OBJECT TO THE PROPOSED ABANDONMENT:

1. **YOU ARE REQUIRED** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to this bankruptcy case. Determine which deputy to call by looking at the Bankruptcy Case No. in the caption on Page 1 of this notice. If the case number is followed by the letter:

-	M	-	call (619) 557-6019	-	DEPARTMENT ONE (Room 218)
-	A	-	call (619) 557-6594	-	DEPARTMENT TWO (Room 118)
-	H	-	call (619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	B	-	call (619) 557-5157	-	DEPARTMENT FOUR (Room 328)

2. **WITHIN TWENTY-EIGHT (28)[1] DAYS FROM THE DATE OF THIS NOTICE**, you are further required to serve a copy of your DECLARATION IN OPPOSITION TO THE ABANDONMENT and separate REQUEST AND NOTICE OF HEARING [Local Form CSD 1184[2]] upon the undersigned trustee, together with any opposing papers. A copy of these documents must also be served upon the United States Trustee at 402 W. Broadway, Suite 600, San Diego, CA 92101. The opposing declaration shall be signed and verified in the manner prescribed by Federal Rule of Bankruptcy Procedure 9011, and the declaration shall:

   a. identify the interest of the opposing party; and

   b. state, with particularity, the factual and legal grounds for the opposition.

3. **YOU MUST** file the original and one copy of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West "F" Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

IF YOU FAIL TO SERVE YOUR "DECLARATION IN OPPOSITION TO THE ABANDONMENT" AND "REQUEST AND NOTICE OF HEARING" within the 28-day[1] period provided by this notice, NO HEARING SHALL TAKE PLACE, you shall lose your opportunity for hearing, and the moving party may proceed to take the intended action.

Dated: 10/24/2007

/s/ Gregory A. Akers
Chapter 7 Trustee
Address: see page 1

Phone No.: see page 1
E-mail: gregakers@gmail.com

---

[1]If you were served electronically or by mail, you have three (3) additional days to take the above-stated actions.

[2]You may obtain Local Form CSD 1184 from the office of the Clerk of the U.S. Bankruptcy Court.

EXHIBIT D

FCI LENDER SERVICES, INC.
8180 EAST KAISER BOULEVARD
ANAHEIM HILLS, CA 92808
714-282-2424
714-282-2425 (FAX)

Date: June 13, 2008

POSTPONEMENT NOTIFICATION

DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A.
3501 JAMBOREE ROAD
NEWPORT BEACH, CA 92660

Loan No.: 9042201137
T.S. No.: 46286
Owner(s): JESUS TINA
Property: 865 EUCLID AVENUE # A & B, SAN DIEGO CALIFORNIA 92114

Dear Client:

The foreclosure sale scheduled on 06/24/2008 at the hour of 10:00AM at THE SOUTH ENTRANCE TO THE COUNTY COURTHOUSE, 220 WEST BROADWAY, SAN DIEGO, CA is postponed to this same location, which was originally designated in the Notice of Sale under the file number listed above and to the following date and time:

Sale has been postponed until: Thursday, July 24, 2008

To the hour of: 10:00AM

The reason for the postponment is: COURT ORDER

The postponement was authorized by: TAMMIE

If you have any questions, please do not hesitate to call me.

Sincerely,
FCI LENDER SERVICES, INC.

Teri Snyder, Exec. Vice President

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Rosario R. Tina and Jesus G. Tina v. Downey Savings And Loan Association, F.A., et al.
U.S.D.C., Southern District of California, Case No. 08 CV 1004 BTM POR

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego; I am over the age of eighteen years and not a party to the within entitled action; my business address is 501 West Broadway, 19th Floor, San Diego, California 92101-3598.

On **June 16, 2008**, I served the following document(s) described as

DEFENDANT DOWNEY'S OPPOSITION TO PLAINTIFF'S EX PARTE TEMPORARY RESTRAINING ORDER

DECLARATION OF J. BARRETT MARUM IN SUPPORT OF DEFENDANTS DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A.'S AND DSL SERVICE COMPANY'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER

on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

Rosario R. Tina
Jesus R Tina
865 Euclid Avenue
San Diego, CA 92114
Telephone: 619-813-7844

Pro se Plaintiffs

Rosario R. Tina
Jesus R Tina
1220 Manchester Street
National City, CA 91950

☒ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.

☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 16, 2008, at San Diego, California.

Phyllis Chavez